

## **Attachment 1: The Municipal Water Law and Water System Planning**

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### **Background**

The Municipal Water Supply - Efficiency Requirements Act, Chapter 5, Laws of 2003 (Municipal Water Law), amended sections of the State Board of Health Code, RCW 43.20; the laws governing Public Water Systems, RCW 70.119A; and sections of the state's Water Code, RCW 90.03. These changes affect the Department of Health's (DOH) water system planning process and provide some unique benefits (including greater water right flexibility and certainty) to many water systems.

### **Sections of the Municipal Water Law relating to Water System Planning**

#### **RCW 90.03.015(3) & (4) Municipal water supplier definition**

Provides the definition of a municipal water supplier and establishes municipal water supply purposes.

#### **RCW 90.03.260(4) & (5) Water right connection/population limitations**

Clarifies the state's Water Code by stating that the number of water service connections and population are not limiting attributes of water rights for water systems that have a DOH approved water system plan (WSP) or other approval that specifies the number of connections.

#### **RCW 90.03.386(1) Plan Review Coordination between DOH and Department of Ecology (Ecology)**

Amends the state's Water Code directing DOH and Ecology to coordinate WSP approval procedures with water right determination procedures for both WSP and small water system management programs (SWSMP).

#### **RCW 90.03.386(2) Service Area Consistency**

Allows a municipal water supplier to expand the place of use on its water right to all areas included within the service area described in their approved WSP or SWSMP. This benefit is provided if the water right holder is in compliance with the terms of its WSP and the service area is consistent with applicable approved comprehensive plans, land use plans, development regulations, coordinated water system plans, and watershed plans.

A utility's place of use is not reduced if the service area identified in an approved WSP or SWSMP is smaller than the place of use identified in the water right.

**RCW 90.03.386(3) Conservation requirements for systems with 1,000 or more connections**

Provides direction on conservation to water systems with 1,000 or more connections. This includes reporting the conservation measures the utility has put into practice in the past and how those measures have increased their water use efficiency. It also directs water systems that are using inchoate portions of a water right certificate to describe how they could delay the use of the inchoate water rights through additional cost-effective conservation measures.

**RCW 70.119A.180 Current conservation programs and the conservation rule**

Directs DOH to develop water conservation rules by the end of 2005 and to involve key stakeholders in the process. It also directs municipal water suppliers to continue to meet current conservation planning requirements and continue implementing their current programs.

**RCW 43.20.260 Local government consistency and duty to serve**

Requires new services within a water system's service area to be consistent with applicable approved local land use plans, comprehensive plans, and development regulations. Water utilities must delineate retail service areas in their WSP. Water systems with DOH approved WSPs now have a duty to provide service to new connections within their retail service area.

**RCW 90.46.120(3) Reclaimed Water**

Requires systems serving 1,000 connections or more to evaluate reclaimed water opportunities.

**For More Information:**

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